

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 23-5228

September Term, 2023

1:22-cv-03576-APM

Filed On: February 1, 2024

America First Legal Foundation,

Appellant

v.

Karen Gorman, in her official capacity, The  
Office of Special Counsel,

Appellee

**BEFORE:** Katsas, Rao, and Garcia, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, the opposition thereto, and the  
reply, it is

**ORDERED** that the motion to dismiss be granted. Under “black letter law,” “a  
district court’s remand order is not normally ‘final’ for purposes of appeal under 28  
U.S.C. § 1291.” Sierra Club v. U.S. Dep’t of Agric., 716 F.3d 653, 656 (D.C. Cir. 2013)  
(quoting N.C. Fisheries Ass’n, Inc. v. Gutierrez, 550 F.3d 16, 19 (D.C. Cir. 2008)).  
Appellant has not demonstrated any ground for departing from that general rule here.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk  
is directed to withhold issuance of the mandate herein until seven days after resolution  
of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App.  
P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**